



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,320	06/26/2000	Stanislaw R. Burzynski	BURG:046/KAM	3169

7590

08/23/2002

MATTHEW L. MADSEN
HOWREY SIMON ARNOLD & WHITE, LLP
750 BERING DRIVE
HOUSTON, TX 77057-2198

EXAMINER

BAHAR, MOJDEH

ART UNIT	PAPER NUMBER
----------	--------------

1617

13

DATE MAILED: 08/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

13

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Application No.: 09/603320

Art Unit: 1617

The reply brief filed August 5, 2002 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

The following remarks are presented as clarification for issues raised in Paper No. 12 :

1. Appellant appears to have mischaracterized Examiner's position on the last paragraph on page 5 of Examiner's Answer. Contrary to appellant's contention, Examiner has not asserted that "context and grammar are to be ignored."
2. Examiner notes that the rebuttal arguments presented in Paper No. 12 are internally inconsistent: In lines 18-23 of page 3 of the specification applicant states that the compounds herein (i.e., 3-phenylacetyl amino-2,6-piperidinedione and its hydrolysis products) are known to block a pathway in cholesterol synthesis and may lower serum cholesterol. Then in the following paragraph applicant states that it was desirable to determine which, if any, of these compounds can lower cholesterol level. By these contradictory statements a known fact has become subject of experimentation.

RUSSELL TRAVERS
PRIMARY EXAMINER
GROUP 1200